

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

DEVON J. HYPES,

Plaintiff,

v.

CAUSE NO. 1:25-CV-31 DRL-SJF

TAYLOR RENTAL,

Defendant.

OPINION AND ORDER

Taylor Rental, by counsel, filed a motion for judgment on the pleadings arguing that Devon J. Hypes, a prisoner without a lawyer, cannot proceed with this employment discrimination suit because he “failed to timely file a charge of discrimination with the appropriate administrative agency prior to filing his complaint[.]” ECF 31. The court knows Mr. Hypes did not file a charge of employment discrimination as required by 42 U.S.C. § 2000e-5(e)(1) and it is undisputed he does not have a right to sue letter. The court discussed these facts in the order screening this case under 28 U.S.C. § 1915A. *See* ECF 15. Before allowing Mr. Hypes to proceed, the court ordered him to show cause why the case should not be dismissed for this very reason. Based on his response, the court granted him leave to proceed on the employment discrimination claim and explained why in the screening order:

It appearing the amended complaint should be dismissed because Mr. Hypes did not have a right to sue letter, he was ordered to show cause. ECF 12. He explains, “The EEOC stated I wouldn’t be able to file a complaint and charges because I was in jail and they (EEOC) wouldn’t be able to have an interview with me.” ECF 13 at 1. Given the assertion that he was

prevented from exhausting, there is a factual question about whether he was prevented from exhausting his administrative remedies and a legal question about how that impacts his ability to pursue this lawsuit. Those are not questions to be resolved at screening.

ECF 15 at 2. Nor can they be resolved in a motion for judgment on the pleadings.

For these reasons, the motion for judgment on the pleadings (ECF 31) is DENIED.

SO ORDERED.

October 14, 2025

s/Damon R. Leichty
Judge, United States District Court